

REMARKS

In the present amendment, claims 4, 16, and 19 have been amended in order to overcome the §112 objection noted by the examiner and to point out the important features of the present invention that distinguish the cited references. It is urged that all of the claims in the present application, as amended, are now in condition for allowance, and such action is respectfully requested.

As stated previously, an important feature of the present invention is that it provides a plant container that incorporates all of the nutrients that a plant may need in order to become established in the ground when it is planted. With the present invention, all that the gardener needs to do is to dig a hole in the ground, put the plant container in the hole, and then plant the new plant in the interior of the container, filling the container with dirt to support the plant. Thereafter, the thick walls of the plant container deteriorate rapidly in the presence of moisture and provide a sufficient growing media to support the new plant until it is firmly established in the soil. The nutrients and growing media provided by the plant container of the present invention replace the tedious and imprecise procedure of obtaining all of the necessary ingredients and mixing them one at a time each time a plant is planted. The present invention provides a special advantage for people who plant a large number of plants, such as nurseries. Relatively untrained personnel can be assured of providing a proper growing environment without having to be skilled at measuring all the proper amounts of ingredients for each plant.

The claims of the present application all are related to this important feature. All of the claims provide that the invention includes a thick peripheral wall that incorporates a particulate organic base material in combination with organic ingredients and time release nutrients in sufficient quantities to support initial growth of the plant. None of the patents of record in this case describe or suggest this feature. Moreover, the cited references do not disclose containers that

deteriorate rapidly in the presence of waters. They disclose the opposite. Finally, the cited references do not disclose structure that is held together by pressure and a water responsive glue. They disclose a thermoplastic binder. Accordingly, it is urged that all of the claims of the present application are allowable.

Considering the office action in more detail, in addition to correcting the error in claim 19 noted by the examiner, the claims have been amended in order to emphasize the important features discussed above.

The references cited against these claims do not disclose this invention. Clendinning, et al. discloses "blends of a biodegradable thermoplastic oxyalkanoyl polymer and a naturally occurring biodegradable product" (see title), which is used in various products for the purpose of providing a water-stable but biodegradable plastic substitute for non-biodegradable materials currently used for agricultural or gardening purposes. The problem addressed by Clendinning was that synthetic plastics are used frequently as substitutes for natural mulch materials, but the synthetic plastics do not degrade. Clendinning teaches the use of a thermoplastic oxyalkanoyl polymer in combination with natural materials in order to provide a product that resists moisture degradation but is biodegradable in the presence of microorganisms. The uses of the product illustrate the properties that are intended for the product. Two uses of the product are for plastic films that suppress weeds and for containers. Structural stability is desired for use but biodegradability over a long period of time (degradation over a period over one year) is desired (in column 9, line 30). Therefore, the inventors elected a particular compound that is known to be water insoluble but is a biodegradable thermoplastic polymer. Thus, the purpose is to provide a water stable product that holds packaging together yet is subject to biodegradation as a result of microorganism action that ultimately will cause the dissipation of the material. See column 3, lines 8-11, where the inventor states:

"A particular object is to provide an improved transplanter container constructed of materials which have the property of holding it shape in a moist and/or humid environment."

In the present invention, the walls of the plant container are not intended to support a plant when subjected to water. The walls are rather crumbly and deteriorate rapidly in the presence of water. That is why a water-soluble glue is employed. The only other factor that causes the material to retain its shape is the formation of the container under pressure. If the present invention is used to support a plant out of the ground, the invention is used as a nutrient liner inside a pot.

The independent claims of the present application, as amended, specify that the particulate components of the container are bound together by pressure and water responsive glue. This method of binding is not disclosed or suggested or employed in Clendinning. Clendinning uses a thermoplastic material that is bonded together by melting in order to provide a plastic structure for the container. This thermoplastic structure continues to exist for a very substantial period of time until biological degradation, not water degradation, causes the structure to deteriorate. Since this important feature of the present invention is present in all of the claims and is not shown in Clendinning, all of the claims of the present application are allowable over Clendinning.

Dedolph does not supply any of the deficiencies of Clendinning and, in addition, contains no suggestion or teaching that would lead a person skilled in the art to combine any teachings of Dedolph with Clendinning. Nor would a combination of any such teachings produce the present invention. Dedolph discloses a rooting media, which, by definition, is a media used for the purpose of developing a plant at an early stage where it is developing roots. Dedolph discloses a thermoplastic sponge like material that has porous openings that can include nutrients and the like. Presumably, the seed or other product developing roots is placed in the sponge and water is applied

to the sponge. It does not appear that the sponge ever disintegrates. Rather, it seems that the sponge is porous enough that the plant simply develops roots that extend through the sponge. The sponge is not a container at all, let alone a container for a plant that has developed to the point where it is transplanted into the soil.

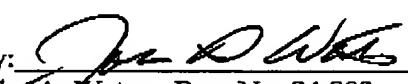
Nor is there any suggestion as to how or why the invention of Dedolph could be used in connection with Clendinning in order to produce the present invention. The purpose of Clendinning is to provide a self-supporting plastic external structure that will ultimately deteriorate and degrade. It is not apparent that Dedolph discloses any structure that would accomplish this purpose. Nor does the Dedolph sponge disintegrate in the presence of water.

Since neither Dedolph nor Clendinning disclose a container that disintegrates in the presence of water but instead both inventions disclose thermoplastic structures that are not subject to rapid deterioration or any return to particulate form, it is urged that independent claims 4 and 16 and dependent claims 5-13 and 17-19 are allowable. Such action is respectfully requested.

Respectfully submitted,

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